



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 16.33**

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### **Subject: Foster Care and Permanency Plan Hearings**

**Supersedes:** DCS 16.33, 02/01/02

**Local Policy:** No

**Local Procedures:** No

**Training Required:** No

**Applicable Practice Model Standard(s):** Yes

**Approved by:**

**Effective date:** 05/01/01

**Revised date:** 12/01/03

### **Application**

To All Department of Children's Services Program Operations Employees and Attorneys.

**Authority:** TCA 37-1-131, 37-2-409; 37-5-106

### **Policy**

Within twelve (12) months of the date of foster care placement and no less often than every twelve months thereafter, for so long as the child remains in foster care, the court shall review the requirements, goals and progress on the permanency plan of each child in foster care. Court review of permanency plans shall continue until permanency is achieved or until the child reaches the age of majority. The court may schedule, or DCS may request, that permanency hearings be scheduled more frequently than every twelve (12) months.

### **Procedures**

#### **A. Schedule of Permanency Plan Hearings**

1. The court shall hold a permanency hearing within twelve (12) months of the date of a child's placement in foster care and every 12 months thereafter until permanency is achieved or until the child reaches the age of majority.
2. The reviews shall be done for all children/youth without regard to an adjudication of dependent-neglect or delinquency except for youth placed in YDC's. The permanency plans for children/youth placed in YDC's are not submitted or reviewed by the court.

3. Local protocol shall be followed to schedule the permanency hearings. Regional legal staff or the court liaisons may be involved in securing a docket date for the hearing. If DCS typically requests that cases be scheduled for hearing it shall be requested sixty (60) days in advance to ensure that hearings can be scheduled within the twelve (12) month time frame.
4. In some regions the courts may maintain the schedule for reviews. In these situations DCS staff will adhere to the date established by the juvenile court. If the court establishes a hearing date that is not within the twelve (12) month guideline, DCS shall request that the hearing be rescheduled within the twelve (12) month period.
5. If during the course of a permanency hearing the court feels it is unable to conclude its business due to the absence of pertinent individuals or the unavailability of critical information, DCS legal staff shall request that the hearing be continued rather than postponed and that an order to that effect be entered.
6. The DCS attorney will assure that the Court considers progress, or lack thereof, on the permanency plan and that an order determining reasonable efforts by the parties is entered.
7. Continuation of a review rather than postponement and rescheduling of a hearing outside the 12 month guideline will meet legal requirements and the case will continue to remain in compliance with federal standards.
8. If DCS determines that reasonable efforts toward reunification are not required under the 1997 Adoption and Safe Families Act, and elects to forego those efforts, a permanency hearing must be held within thirty (30) days of the Department's decision.

**B. Attendance at  
Permanency Plan  
Hearings**

1. An attorney shall represent DCS at all permanency hearings.
2. The child's Case Manager shall attend all permanency hearings. In the event that the child's Case Manager is unable to attend the hearing due to illness, previously scheduled approved leave, etc, the Case Manager's Team Leader shall appear in court and represent the Case Manager.

3. Unless parental rights have been terminated, the Case Manager shall mail to parents notification of the time and place of the hearing no later than ten (10) calendar days prior to the hearing or hand deliver notification no later than seven days prior to the hearing.
4. The Case Manager shall also notify other parties such as non-relative foster parents, kinship foster parents, guardian ad litem, parent's attorney and other pertinent members of the child and family team of the hearing.
5. The child, if age appropriate and capable of contributing to the permanency hearing, shall be allowed to attend the hearing.

**C. Permanency Plan Hearings And Permanency Plan Goals**

1. Each child in foster care shall have an identified permanency plan goal or concurrent permanency goals. The juvenile court shall use the permanency plan hearing for the purpose of reviewing the appropriateness of the established goal(s) and to review progress that has been made toward achieving the stated permanency goal(s). Services provided to the child and/or family will also be reviewed.
2. A child's permanency plan goal or concurrent goals may include:
  - a) Return to parent/caregiver
  - b) Exit custody to placement with relative
  - c) Adoption
  - d) Planned permanent living arrangement
3. At each permanency plan hearing the court must determine, in addition to the appropriateness of the goal:
  - a) In the case of a child in an out-of-state placement, whether the out-of-state placement continues to be appropriate and in the best interest of the child
  - b) In the case of a child who has attained the age of 16, the services needed to assist the child to make the transition from foster care to independent living.
  - c) And the future status of the child, including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified

period, should be placed for adoption, or should, because of the child's special needs or circumstances, be continued in foster care on a permanent or long-term basis.

- d) The extent of compliance of all parties with the terms of the permanency plan.
  - e) The extent of progress in achieving the permanency goal(s).
- 4. The Case Manager shall be prepared to provide testimony at the hearing regarding the progress of all parties toward accomplishing the permanency goal(s). A copy of the most recent *Quarterly Progress Report* (form CS-0430) shall be provided to the court.
  - 5. A copy of the court order reflecting the hearing's outcome shall be obtained and filed in the child's case record. DCS shall ensure that parents receive a copy of the court order.

**D. TN Kids  
Documentation**

Information regarding the plan and the permanency hearings shall be entered in TN Kids within three (3) working days of the hearing.

## **Forms**

CS-0430      Quarterly Progress Report on Child in State Custody

## **Collateral Documents**

*None*

## **Standards**

DCS Practice Model Standards – 9-100  
DCS Practice Model Standards – 9-101  
DCS Practice Model Standards – 9-102  
DCS Practice Model Standards – 9-103  
DCS Practice Model Standards – 9-200  
DCS Practice Model Standards – 9-204  
DCS Practice Model Standards – 9-205  
DCS Practice Model Standards – 9-207

DCS Practice Model Standards – 9-208

DCS Practice Model Standards – 9-300

DCS Practice Model Standards – 9-301

DCS Practice Model Standards – 9-302

DCS Practice Model Standards – 9-303